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TOM LYTHGOE, CHAIR

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**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 17, 2009**

Present: Commissioners Lythgoe, Weber and Kirsch; Matt Johnson, County Attorney; Kellie Doherty, Personnel Officer; Dennis Owens, Deputy County Attorney; Sally Buckles, DES Coordinator; Bonnie Ramey, Clerk and Recorder; Joe Carter, Road Supervisor; Rick Pyfer, Bob and Connie Sims, Bob Marks, Eddie Smith, Micki LeTexier, Charlene Hall, DeDe Rhodes, Fred Feller, Flay Froman, Doug Schmitz, Colleen Teeling, Kay & Lorna Deskins

MINUTES

Commissioner Lythgoe moved to adopt the minutes of October 3. Commissioner Kirsch seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of October 10. Commissioner Kirsch seconded. The motion carried.

CORRESPONDENCE

Rancho Vista Verde Commissioner Lythgoe read a letter from the Madison County Planning Board regarding the Rancho Vista Verde major subdivision proposed in Madison County just over the county line outside of Whitehall. A public meeting will be held on November 30 in Virginia City. Commissioner Lythgoe stated that he feels that it is important to have a Commissioner in attendance at the meeting. It was decided that Commissioner Lythgoe would attend the meeting.

Broadwater County Agreement Commissioner Lythgoe noted the receipt of the program agreement with Broadwater County for WIC services in Jefferson County.

Commissioner Weber moved to have Commissioner Lythgoe sign the agreement for WIC services. Commissioner Kirsch seconded. The motion carried.

CALENDAR REVIEW

11/18-11/20 Leadership Montana - Bozeman
11/19 Meeting with Terry Murphy - 10:00
South Campus sewer project update - 3:00
RMDC - Helena - 3:30
Zoning commission - 4:00
MTAG - 5:00
11/20 Library board - 5:45

COMMISSION REPORTS

TRI-CO FIRE

Commissioner Lythgoe reported that he attended a Tri-Co Fire meeting on Thursday, which was attended by Broadwater, Lewis & Clark and Jefferson Counties as well as the BLM, Forest Service from the Helena and Beaverhead/ Deer Lodge forests. One of the areas of real concern to the tri-counties is the area in northern Jefferson County. Everyone is extremely concerned with the bug kill, even with all of the mitigation that has been done to date.

ROADS

Commissioner Lythgoe reported that he met with Joe Carter and a resident on the north end of the county the previous day to discuss an approach to a parcel of land that he wants to sell.

SOLID WASTE BOARD

Commissioner Weber reported that on Tuesday evening there was a Solid Waste meeting. He has applied for the position of Solid Waste manager and was offered the position at that meeting. He requested, and was granted, two weeks to make his decision.

LIBRARY BOARD

Commissioner Weber stated that the Library board has been advertising and accepting applications for the Boulder librarian position. One applicant was interviewed, and the board will be holding a special meeting on Friday night to make a hiring decision.

DUI TASK FORCE

Commissioner Kirsch reported that he had a DUI Task Force meeting on Tuesday night. So many people have resigned from the Task Force that they don't have a voting membership. The by-laws state that a person has to sit on the Task Force for six months before they become a voting member, so they are requesting that the Commission intervene and make three members voting members immediately.

WEED BOARD

Commissioner Kirsch reported that on Thursday he attended the Weed Board meeting. They discussed budgets and programs for the coming year.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

Micki LeTexier stated that she has a procedural question. When an emergency meeting is to be held, are they published somewhere so that the public has a chance to see the notice.

Commissioner Lythgoe stated that we don't have a lot of emergency meetings, but when they do happen we give at least 48 hours notice and they are posted in the same places where agendas are normally posted; they just aren't able to be published in the paper.

DISCUSS AND DECIDE UPON THE STATUS AND RESOLUTION OF CLAIMS FROM JOE CARTER/DISCUSS AND DECIDE ON PERSONNEL ISSUE CONCERNING THE ROAD SUPERVISOR

Commissioner Lythgoe stated that he thinks that these two items can be combined, and he called Personnel Officer Kellie Doherty forward.

Kellie Doherty, Personnel Officer, stated that normally personnel issues are closed to the public, however in speaking to our attorney at MACo, Jack Holstrom, as well as the County Attorney it was determined that due to the involvement of public funds and the fact that Joe Carter is a supervisor that this issue should be open to the public. She isn't sure if Joe would like to have the meeting closed, but before they get started the Commission needs to decide if they are going to have the meeting open or closed. Commissioner Lythgoe asked Joe Carter if he has a problem with the meeting being open.

Rick Pyfer, attorney for Joe Carter, stated that on behalf of his client, he would request that it be closed.

Jan Anderson, *Boulder Monitor/Jefferson County Courier*, made the following statement.

"As I am sure the County Commissioners are aware, Montana's Constitution says, "No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure."

Let me repeat – "clearly exceeds the merits of public disclosure".

I rise today to argue that any individual rights to privacy in this particular situation do not outweigh the public's right to know.

Montana courts have found that public employees must meet a high standard to block public access to their information. It involves proving the information contains "intimate details" of a "highly personal nature".

The courts found in *Citizens to Recall Whitlock v. Whitlock* that the public has a right to all investigative reports and materials used or created as part of a publicly funded investigative report on employee or elected-official misconduct.

More specifically relevant to this particular case, the Montana Supreme Court has repeatedly ruled that the public has a clear and unambiguous right to know the information involved in the internal investigation of a public employee for any alleged violation of any policy, law or rule. The outcome of the investigation into the alleged wrongdoing is not relevant. In three separate cases over a four year span, the Supreme Court found that an individual officer, public employee or elected official has very little expectation of privacy and the public has a fundamental right to know whenever there are allegations of misconduct. (*Great Falls Tribune* v. Cascade County Sheriff, *Citizens to Recall Whitlock* v. Whitlock and *Bozeman Daily Chronicle* v. City of Bozeman Police Department)

The Supreme Court said in those cases that persons paid by the public have little expectation of privacy regarding issues surrounding their employment or malfeasance. In *Missoulain* v. Board of Regents, the Montana Supreme Court found that **proceedings addressing allegations of misconduct must be open to the public.**

We believe the issues at hand today involve the use of public money and allegations of wrongdoing in regard to that money. We argue that in this case the public's right to know trumps any claim of individual rights to privacy."

Commissioner Lythgoe asked County Attorney Matt Johnson if he had any comments.

Matt stated that he and Jack Holstrom are both in agreement that Joe's individual right to privacy does not exceed the public's right to know in this instance. He is a manager rather than an employee. One thing he would like to comment on is that the resolution of claims is still under investigation so he cannot discuss this item. Also, the time card issues are still under investigation as well, so he doesn't feel that there should be discussion on this item as well.

Commissioner Lythgoe stated that they as a Commission need to make a decision on if the discussion should be open or closed. Commissioner Weber stated that before they make that decision, they should be clear what they will be discussing. He asked Kellie to outline what exactly they will be discussing. Commissioner Lythgoe stated that this particular item is interesting, because in reality it has been taken care of. Kellie stated that item in question is in regards to a portion of a reprimand that was issued to Mr. Carter should be removed from his personnel file. Commissioner Lythgoe stated that this item is a bit further down the agenda "discuss and decide upon personnel issues concerning the Road Supervisor", but as far as the claim, that particular issue has pretty well been decided. He asked if that is correct. Kellie stated that as Matt indicated earlier, that issue is still under investigation. Commissioner Lythgoe asked Kellie what she wanted to talk about. Kellie stated that they need to decide if the meeting will be open or closed while they discuss the personnel issue. Commissioner Lythgoe stated that if they are going to discuss the claim, they need to discuss the claim and the disciplinary action, but noted that the whole thing is under investigation. Kellie said that they could make a decision on the personnel issue at this meeting.

Commissioner Weber stated that he feels the meeting should be open. Commissioner Kirsch stated that legally, to honor Joe's privacy, the meeting should be closed. Commissioner Lythgoe stated that in light of Jan's comments, the meeting should be open. Commissioner Weber moved to leave the entire meeting open to the public. Commissioner Lythgoe seconded. The motion carried, with Commissioner Kirsch voting nay.

Kellie stated that on October 6, 2009, she was instructed by Commissioner Lythgoe and Commissioner Kirsch to remove a portion of a September 8th written reprimand that Joe Carter had received. The portion that she was directed to remove was in regards to a dinner at LaHood Park that the road crew attended on August 19th. Commissioner Lythgoe advised her that he had given Joe permission to take the road crew to dinner and because of this, he believed that reprimanding Joe for that was not the proper thing to do. She returned to her office and made a notation in Mr. Carter's personnel file that that portion of his reprimand was to be removed per Commissioner Lythgoe and agreed to by Commissioner Kirsch. The next night, she realized that she could not remove the reprimand from Mr. Carter's file, as the decision that directed her to do so was not made in a legally advertised meeting. She immediately called Commissioner Lythgoe and advised him that she could not remove the reprimand because of this. He agreed and she told him that she would put this issue on the next open agenda for discussion. As Mr. Carter was out of state on vacation, she could not immediately tell him that the reprimand was still in his file, but she advised him of this when he returned. She then made a notation in his file of what had occurred. This agenda today is for the Commission to decide if that portion of the reprimand regarding the dinner at LaHood Park should be removed from his file or not.

Commissioner Lythgoe stated to discuss the claim itself, the first time that the Commission saw the claim, it came to Commissioner Weber and Commissioner Kirsch. Someone in the Clerk and Recorder's office had reduced the amount of the claim to reflect the per diem amount allowed in county policy for an evening meal. That claim was approved by Commissioners Weber and Kirsch and he assumes that Joe was reimbursed for that amount. Joe obviously felt, because he had been told that it was alright when he asked permission to reward his crew for a job well done, long hours over several days and was told that he could do that. Commissioner Lythgoe stated that he doesn't think that Joe did anything wrong; it turns out that he himself did something wrong, which he didn't think he did at the time. After talking to Kellie, and she talked to Jack Holstrom at MACo, it was determined that he didn't have the authority to use professional services money to pay for this meal. When Kellie reiterated this to him, he personally wrote a check for the amount over and above the amount that was allowed. He made the check out to the county and he gave Kellie the check to give to Bonnie for payment of the remainder of the dinner bill. Bonnie didn't have a way to process the check, so he then wrote a personal check to Joe. It was not Joe's fault that he did this; it was his fault for giving Joe bad information that he was allowed to do this. Because of this, he feels that the reprimand should come out of Joe's file.

Commissioner Weber asked that Kellie read what the reprimand said. Kellie read from file, "Mr. Carter was reprimanded for misuse of County funds and authorizing a steak dinner at LaHood Restaurant which was in excess of the daily meal allotment provided by the County by the sum of \$146.40. That is in violation of Jefferson County personnel policy page 36 "misrepresenting

travel expenses”. Kellie stated that basically the allegation is that Mr. Carter took the county road department to dinner at LaHood Steak House, bought them all dinner amounting to \$302.40, which was \$146.40 over and above what would have been allowed to be utilized for dinners for that evening. He then placed a claim for reimbursement back to himself for the total amount of \$302.40.

Commissioner Weber asked Commissioner Lythgoe if it is his contention that he gave Joe permission to do the first dinner. Commissioner Lythgoe stated that he gave him permission the previous year. At that time, he didn’t go over the per diem amount. It is entirely appropriate that having done this last year, Joe would think that he could do it again this year. Commissioner Weber stated that it was his recollection that the previous year Joe asked for permission at a road meeting to have sandwiches or pizza delivered to the work site. All three Commissioners were present at that time and permission was given. Commissioner Weber noted that as a county, they often “reward” people that have to work long hours, during elections, for instance, when they will be there for 12 to 14 hours and don’t have the opportunity to leave to get dinner or go home. It is the county’s policy, however, that the \$12 per diem amount stands; it stands if someone is in Washington DC and the meal costs \$150 or if it is a McDonald’s hamburger that costs \$3.50. The \$12 amount stands. In other travel instances, Mr. Carter has turned in meal requests for that per diem amount, so this isn’t an ambiguous amount. When the reduced claim came in he and Commissioner Kirsch approved it, because it came in at the correct amount. Everyone knew at that point that the claim had been reduced to the correct amount because they were told that it had been reduced to the correct amount. They all knew that it was a violation of policy if it went in again and the portion where Commissioner Lythgoe is saying that he gave Joe permission or directed us to put it forward again – everyone knew that this would be a violation. Because of this, he doesn’t feel that this should be taken out of the file. He feels that it was willfully done; he didn’t come before the Commission to ask for permission to break that policy or move that policy or ask for more money, and the circumstances are extremely different than what he asked for last year.

Commissioner Lythgoe stated that it is his position that Mr. Carter was under the impression that he could do what he did, that he had given Joe that permission and that it was his problem, and not Mr. Carter’s problem.

Commissioner Kirsch moved to remove the reprimand from Joe Carter’s file. Commissioner Lythgoe seconded. The motion carried, with Commissioner Lythgoe and Commissioner Kirsch voting aye and Commissioner Weber voting nay.

Charlene Hall asked if there is a set per diem policy on when an employee gets a meal. Commissioner Lythgoe stated that there is. Charlene asked if the time cards are still in question, how they know that the crew worked the required time to get the per diem. Commissioner Lythgoe stated that this is not in question.

AWARD RFP FOR UPDATE OF COUNTY EMERGENCY OPERATIONS PLAN

Sally Buckles, DES Coordinator, stated that he only got one response to her request for

proposals. Commissioner Weber moved to award the RFP to Spartan Consulting Superior Emergency Preparedness. Commissioner Kirsch seconded. The motion carried.

DISCUSS ON UPPER JACKSON CREEK SETTLEMENT AGREEMENT (LAVIGNE ET.AL. V JEFFERSON COUNTY)

Dennis Owens, Deputy County Attorney, stated that he requested that this be put on the agenda so that he could brief the Commission regarding what is happening with this issue. He stated that the Commission should know that they are currently in a stay period with the court which we requested for the purpose of exploring possible settlement options; this was requested by both sides. Dennis stated that the stay expires on the 19th at which point they will, with the Commission's approval, they will go into a final period where it will go into litigation if the matter is not settled. The BLM has been contacted by both parties, and it is his position as counsel is that the BLM is a significant part of the challenge that underlies this lawsuit, however they have been indifferent to the effect on the county or private parties. In that context, they have been trying to see how the interest of the county and its residents can be balanced against the private property interests of the landowners in that area and try to work something to where they can experience the quiet use and enjoyment of their property to which they are entitled. Dennis stated that with the Commission's approval, on Thursday he will request another stay, not to exceed 30 days, from Judge Tucker.

Commissioner Weber asked if the 30 days is a given or if there could there be a different number. Dennis said that it is up to the judge to decide the length of the stay, and it could go longer than the 30 days given the coming holiday season and administrative concerns. Commissioner Lythgoe asked if 30 days is enough. Dennis said that it would be easier if they had more time.

Commissioner Lythgoe stated that whatever Dennis thinks is appropriate, they will back.

DISCUSS AND DECIDE UPON THE SALARY OF THE ROAD SUPERVISOR

Matt Johnson, County Attorney, stated that Joe's rate of pay was somewhat reduced when he resigned the Solid Waste Manager position. It was requested by his attorney in a letter dated October 27 that Joe's salary be returned to its previous level. Matt stated that he has reviewed the letter and one of the issues they have is that when Joe was hired, a promise was made that his pay would remain the same if he was to only be the Road manager. Also, when Joe resigned the Solid Waste Manager position, it was his understanding, and it was written in his resignation letter, that he expected that his pay would not decrease. Matt stated that it appears the attorney has a solid argument, but it is up to the Commission to make that decision. He stated that the Commission needs to weigh the cost to the county of payroll versus legal fees. Matt asked that the Commission deliberate and make a decision.

Commissioner Lythgoe moved that the Commission give Joe's salary back to him, retroactive to the time withdrawn. Commissioner Kirsch seconded. Commissioner Weber stated that it is his position then and still is at this time that Joe should have been terminated at that time. At the time he was hired, he was hired for a combined position of Road/Solid Waste. It was one position with one salary. The Solid Waste position was to make up 30% of his duties. He thinks

Joe failed at 30% of his job, and in his mind, that is grounds for termination. He doesn't feel that this should necessarily reflect on his going through and trying to be employed with us as a road supervisor. He thinks they should have had that opportunity; separate the jobs and have Joe apply like anyone else for the Road Department job. He doesn't think that they are correct in allowing him to resign from 30% of his job, and he certainly doesn't think that they are correct to pay the same amount of money for 30% less work.

The motion carried, with Commissioner Lythgoe and Commissioner Kirsch voting aye and Commissioner Weber voting nay.

Commissioner Lythgoe stated that because of the comments that the County Attorney made in regards to the time cards and the on-going investigation, the Commission will not be acting on that issue at this time.

Commissioner Lythgoe stated that there was a request for an investigation by our County Attorney of several things, including the claim and including what was determined to be an illegal meeting. The way that whole thing happened is that they had a regularly scheduled meeting that was advertised. After the meeting Joe presented them with a claim for approval which he and Commissioner Kirsch signed; Commissioner Weber was not present at that meeting. This is not unusual, to have a department bring forward a claim that they deem an emergency, and bring a claim directly to the Commission for claim approval that doesn't go through the process. It is not unprecedented that someone brings forward a claim for the Commission to approve. Joe felt that the claim should be approved, and two Commissioners felt that the claim should be approved. He does not think that there was any misconduct there. Kellie had some personnel issues that she wanted to talk to Joe about, and she came over to the Commission office. He doesn't remember what happened in that meeting, he doesn't remember the call from Kellie the following night; his memory of those two issues comes from what Kellie has told him. This has been termed as an illegal meeting. It was not a criminally defined illegal meeting, because there was no intent for that meeting to take place; it just happened. There are a couple things that have upset him about this whole process. There have been members of the road crew read their rights, as well as the Commissioners, and interviewed by police personnel because someone making an accusation that there was something illegally done here. There has been a mountain made out of a molehill on this, and he thinks that it is absolutely incredible that this whole thing has evolved to the degree that it has.

Commissioner Lythgoe stated that his position regarding public meeting law has not changed. If two or more Commissioners are going to be at a meeting he makes sure that it gets advertised; if one of them is at a meeting that hasn't been noticed and another Commissioner shows up, one of them will leave. Commissioner Lythgoe said that Open Meeting law and the public's right to know have been pretty sacred with him, and he is somewhat offended that because of this incident, it has tainted the whole county as it relates to this issue; we probably obey that law better than any county in the state of Montana. He is extremely offended by what has happened as a result of a mistake that was made.

Commissioner Lythgoe gave a brief time-line of the events; on the 6th they had the meeting, on the 7th Kellie called him and on the 9th he had a major heart attack. He isn't using this as an excuse, but it could explain why he has no recollection of these events. He feels that this issue has been blown way out of proportion.

LITIGATION STRATEGY DISCUSSION BETWEEN THE COUNTY COMMISSION AND COUNTY ATTORNEY

Matt stated that this was placed on the agenda before these other items were placed. Because of the open meeting, there is no need to have litigation strategy in private.

OPPORTUNITY FOR PUBLIC COMMENT

Bob Sims stated that they talk about open meetings and he has no reason to believe that they don't follow this. Each of them, however, seems to act as the Commission on their own. Commissioner Lythgoe asked for an example. Bob stated that when he gave Joe permission last year to go to dinner. Commissioner Lythgoe stated that apparently it was the full Commission that made that decision, although he thought that he had done it himself. He went on to say that the chair does have the right to make certain, administrative decisions, that doesn't need to involve the full Commission. Bob said that it is his recollection that Commissioner Lythgoe was not the chair the previous year. Commissioner Lythgoe stated that this is correct. Bob said that there should be a policy regarding what the chair of the Commission can and can't do on his own and it should be followed.

Bob asked when the time card issue will be discussed. Commissioner Lythgoe stated that he is not sure, that will be up to the County Attorney. Regarding the time cards, it doesn't seem that there is a policy regarding time cards, after talking to several employees. The County needs to have written procedures in place. Commissioner Weber stated that it is written down; the employees are trained and sign a document that they understand the policy.

Bob stated that it seems that people who have the right to decide on the use of overtime typically are exempt from getting overtime. They are salaried as supervisors, rather than approving their own overtime. Commissioner Weber stated that very few public employees are allowed by state law to be salaried, and the fact that Joe does some work on equipment and actually performs some of the road work doesn't allow the county to put him on salary. Bob stated that if this is the case, then he should be required to come to the Commission to get approval for any overtime. Commissioner Lythgoe stated that the Commission meets weekly with the road supervisor and they go over work done and to be done.

Bob Marks stated that he is here on his own behalf and on the behalf of others who are chagrined with what is happening. He doesn't feel that this should be "lynch Joe Carter day". Joe is running the Road Department as well as anyone he has seen. Rewarding competent employees for their good work is entirely appropriate. He feels that the notoriety of the past weeks falls on

all county employees and elected officials. Regarding open meetings, if there is a meeting with the Road Department every Tuesday morning, and claims are presented at that time, he would suggest that it be noticed on a weekly basis. He feels that the Road Department is doing a good job. The roads are in as good shape as they have ever been. Commissioner Lythgoe noted that the bottom of every agenda it notes that the Commission meets with the Road Supervisor and will review claims. They review claims after the road meeting. This particular claim came just after the road meeting and before claims. Commissioner Weber asked Commissioner Lythgoe to read the last sentence, which reads "a list of claims to be approved will be in the Clerk & Recorder's office by Friday of the previous week". Commissioner Lythgoe stated that this happens all the time, that the Commission will get an emergency claim. Commissioner Weber stated that claims that have been denied are not handled in this way; that is the problem with this instance. The amount of the claim was denied and then the remainder was brought forward in an inappropriate manner three or four weeks later. This was not an emergency claim, and no one is stating that it was an emergency claim.

Charlene Hall stated that Commissioner Lythgoe said that he was offended that this is being blown out of proportion. She is a bit offended as well, speaking for herself and probably half of the taxpayers in the county. She has been a taxpayer for 16 years and she is offended that someone is offended for continually not playing by the rules. With all due respect, he has a right to say it and she has a right to say it, but don't make the taxpayers feel bad because they are questioning their tax money. Commissioner Lythgoe stated that she isn't speaking for half the residents in Jefferson County; he has heard from so many people that have said just the opposite. This whole thing has been blown out of proportion and he is offended at that. The residents of Jefferson County should be offended at how much this has been blown out of proportion, the amount of time it has taken and how much it has been in the paper because it is a bunch of crap.

DeDe Rhodes stated that she would like to thank the Commission for the opportunity to hear this discussion, because as they can imagine there have been a lot of rumors going around, and she is glad for the chance to hear the discussion. She asked the Commissioners not to comment on this, but one of the rumors floating around is that alcohol was involved with the meals. She understands that this is still under investigation. Kellie stated that she can answer that question. She has investigated this, and there was no alcohol involved.

Colleen Teeling and Lorna Deskins presented the Commission with some correspondence that they would like to add to the record. Lorna has been chosen to attend the National Young Leader Conference in Washington D.C. Colleen asked that the Commission put this on a future agenda, to consider helping fund the trip.

Eddie Smith stated that he would like to say that as elected officials, they have been elected by the residents of the County. He appreciates what they do for the residents, and would like to say that if it were up to the Commission to make every single decision related to county business, they would be on the job 24/7. This is why there are employees and supervisors to help with this.

Doug Schmitz said that when it comes to rewards, they are important, but shouldn't be confined to one group. If everyone is doing a good job, everyone should be rewarded. If they aren't doing a good job, they should be fired. The mention of the dollar amount being insignificant and petty, no amount is insignificant when they are talking about his money. They have already made the decision to continue paying for 30% less work is totally inappropriate.

Jan Anderson said that if they could come up with any County documents anywhere that promise that the Road/Solid Waste Supervisor salary would not be reduced, she would like to see them. Commissioner Lythgoe stated that the document probably doesn't exist.

Bonnie Ramey, Clerk and Recorder, stated that she has a document to enter as correspondence. She has received and certified a petition to abandon a portion of a street in Clancy. She asked that the Commission start the process for this.

Bonnie said that she would like to comment concerning the claim. She is the person who reduced the claim, to an amount of \$12 times 13 people. She doesn't know who promised Joe that. As far as she is concerned, Mr. Carter has been misinformed by the Commission on several issues. Not his fault, the Commission's fault. If the Commission is going to go against county policy, then they should have a meeting and do so and inform her office of the decision made so they aren't in this kind of discussion. Bonnie stated that they knew that she reduced the claim and why. She sent them a copy of the resolution and wrote a memo discussing why she reduced the claim because the Commission wasn't responding to her correspondence regarding what she was told by Mr. Carter regarding the claim. As a taxpayer, she would like to know who promised Joe that his salary would never be reduced. Commissioner Lythgoe stated that it was him. The way that happened, the way he was looking at it at the time, it was part of the employment agreement. In discussing hiring him, it was part of the negotiations on whether he would take the job or not. It was a question Joe had and because they didn't know if the combined position was going to work, he told Joe that his pay wouldn't be reduced if he couldn't do the Solid Waste portion of the position description. What came to the Commission was a recommendation from the hiring committee to hire Joe. Bonnie said in light of that, it appears to her that he is making a lot of decisions that are causing us trouble down the road. She would like to see some of our policies and procedures changed so that we can address these issues and not be in this type of position.

Connie Sims, said that evidently there is a file that can hold reprimands on employees. She asked if the Commissioners have files. Commissioner Lythgoe answered that they do not.

Commissioner Lythgoe asked Kellie if she was the personnel officer when Ben Sautter was hired. Kellie stated that she was not. Commissioner Lythgoe asked Commissioner Weber if he was a Commissioner when Ben was hired. Commissioner Weber stated that he was not. Commissioner Lythgoe stated that he thinks that the same deal was made with Ben, but he isn't sure. Commissioner Weber stated that this happened when he was a Commissioner and Ben was told that if he were to drop the Solid Waste Manager portion of the job he would have to take a pay cut back to the Road Supervisor salary.

Bob Simms asked when the time card issue will be investigated to the point that it could be back on the agenda. Kellie said that probably in a couple weeks.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER